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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,713	10/29/2003	Bindu Rama Rao	14897US02	5570

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EXAMINER	
HOFFMAN, BRANDON S	

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/695,713	RAO ET AL.	
	Examiner	Art Unit	
	Brandon S. Hoffman	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2-6-04 & 12-13-04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS's) submitted on February 6, 2004, and December 13, 2004, are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-18 and 27-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (U.S. Patent No. 6,546,492).

Regarding claim 1, Walker et al. teaches a system that supports secure communication of data between an electronic device and a network, the system comprising:

- An electronic device comprising (fig. 1, ref. num 22/30):

- A first component that manages information in the electronic device (col. 4, lines 53-64); and
- A second component that provides access to proprietary information in the electronic device (col. 4, lines 18-52); and

- At least one server that manages the information communicated to the electronic device via the network (fig. 1, ref. num 28), a first portion of information and a second portion of information being used to securely communicate data to the electronic device, the first portion of information and the second portion of information being managed by the at least one server and the first component to provide secure communication between the electronic device and the network (col. 4, lines 18-64 and fig. 2).

Regarding claim 2, Walker et al. teaches wherein the first portion of information is a portion of information dynamically sent to the electronic device (col. 4, lines 32-36).

Regarding claim 3, Walker et al. teaches wherein the first portion of information is communicated over a proprietary communication protocol (col. 3, lines 33-34).

Regarding claim 4, Walker et al. teaches wherein the second portion of information is a portion of static information available to the electronic device (col. 4, lines 40-44).

Regarding claim 5, Walker et al. teaches wherein the second portion of information is an electronic security number (ESN) (col. 1, lines 37-57).

Regarding claim 6, Walker et al. teaches wherein the second portion of information is provided by a subscriber identity module (SIM) card (col. 3, lines 21-24).

Regarding claim 7, Walker et al. teaches wherein the first portion of information is combined with the second portion of information to generate encryption information (col. 4, lines 36-39).

Regarding claim 8, Walker et al. teaches wherein the first portion of information comprises a first key and the second portion of information comprises a second key (col. 4, lines 32-40).

Regarding claim 9, Walker et al. teaches wherein the first component retrieves the first key from the at least one server (col. 4, lines 22-24).

Regarding claim 10, Walker et al. teaches wherein the at least one server sends the first key to the first component (col. 4, lines 22-24).

Regarding claim 11, Walker et al. teaches wherein the at least one server generates the first key (col. 4, lines 32-40).

Regarding claim 12, Walker et al. teaches wherein the first key is generated for the at least one server (col. 4, lines 32-40).

Regarding claim 13, Walker et al. teaches wherein the first key and the second key are combined to provide a higher level of security in the system and the data communication between the electronic device and the network relative to using the first key and the second key separately (fig. 4, ref. num 84 and fig. 2, ref. num 38).

Regarding claim 14, Walker et al. teaches wherein the at least one server assembles a message that contains the first key and communicates the message to the electronic device (fig. 2, ref. num 38).

Regarding claim 15, Walker et al. teaches wherein the at least one server communicates with the electronic device via a proprietary communication protocol (fig. 1, ref. num 24).

Regarding claim 16, Walker et al. teaches wherein the electronic device processes the message to retrieve the first key (fig. 2, ref. num 46).

Regarding claim 17, Walker et al. teaches wherein the first component comprises:

- A first agent that downloads data and information onto the electronic device (fig. 3, ref. num 60);
- A second agent that applies the downloaded data and information onto appropriate applications in the electronic device (fig. 3, ref. num 66); and
- A first manager that facilitates secure communications (fig. 2).

Regarding claim 18, Walker et al. teaches wherein the electronic device further comprises a third component that facilitates downloads performed by the second agent of the first component of the electronic device (fig. 3).

Regarding claim 27, Walker et al. teaches an electronic device comprising:

- An integrated circuit card, wherein the electronic device performs secure firmware updates utilizing the integrated circuit card (fig. 1, ref. num 22);
- A first key, wherein the integrated circuit card provides the first key (col. 4, line 65 through col. 5, line 11); and
- Wherein the electronic device employs the first key to authenticate information for updating firmware received from an external system (col. 5, lines 12-22).

Regarding claim 28, Walker et al. teaches further comprising:

- A manager that manages a life cycle of the first key (fig. 1, ref. num 30); and

- Wherein the first manager is capable of being employed to at least one of encrypt data sent to the external system and decrypt data received from the external system (col. 4, lines 41-44).

Regarding claim 29, Walker et al. teaches wherein the external system comprises a management server (fig. 1, ref. num 26).

Regarding claim 30, Walker et al. teaches wherein the electronic device decrypts information for updating firmware based on at least a portion of the first key, and wherein the information for updating firmware is provided by the external system (fig. 3, ref. num 60 and 66).

Regarding claim 31, Walker et al. teaches wherein the electronic device decrypts information for updating firmware based on at least a portion of the first key and at least a portion of a second key, and wherein the information for updating firmware is provided by the external system (fig. 6, ref. num 148, 154, and 158).

Regarding claim 32, Walker et al. teaches wherein the second key comprises a key that is one of received by the electronic device and computed by the electronic device (col. 4, lines 41-44).

Regarding claim 33, Walker et al. teaches wherein the integrated circuit card comprises one of a SIM card and a Smart card (col. 3, lines 21-25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (USPN '492) in view of Veil (U.S. Patent No. 6,138,239).

Regarding claim 19, Walker et al. teaches a method for securely communicating data and information between an electronic device and a network, the network comprising at least one server that manages communication via the network, the method comprising:

- Storing a first security key (fig. 4, ref. num 82);
- Receiving a message containing a second security key (fig. 4, ref. num 84);
- Processing the received message (fig. 4, ref. num 88); and
- Retrieving the second security key from the processed message (fig. 4, ref. num 92).

Walker et al. does not teach generating a third security key.

Veil teaches generating a third security key (col. 15, lines 63-67).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine generating a third security key, as taught by Veil, with the method of Walker et al. It would have been obvious for such modifications because a session key provides a short lived key for secure communications between two devices.

Regarding claim 20, Walker et al. as modified by Veil teaches wherein the electronic device combines the first security key and the second security key to generate the third security key (see col. 15, lines 63-67 of Veil).

Regarding claim 21, Walker et al. as modified by Veil teaches wherein the method further comprises employing the third security key for communication with the at least one server (see col. 15, lines 63-67 of Veil).

Regarding claim 22, Walker et al. as modified by Veil teaches wherein the at least one server utilizes a copy of the third security key to decrypt information received from the electronic device (see col. 11, lines 20-42).

Regarding claim 23, Walker et al. as modified by Veil teaches wherein the electronic device utilizes the third security key to decrypt data received from the at least one server (see fig. 5, ref. num 126 of Walker et al.).

Regarding claim 24, Walker et al. as modified by Veil teaches wherein the method further comprises performing a security check to verify an access activity from the electronic device (see col. 3, line 66 through col. 4, line 2 of Walker et al.).

Regarding claim 25, Walker et al. as modified by Veil teaches wherein the access activity from the electronic device comprises a request for information (see col. 3, lines 66-67 of Walker et al.).

Regarding claim 26, Walker et al. as modified by Veil teaches wherein the method further comprises processing the request of the electronic device (see col. 4, lines 1-2 of Walker et al.).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandon Hoffman

BH

NASSER MOAZZAMI
PRIMARY EXAMINER

8/15/06